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12 United States of America  
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15 IN THE UNITED STATES DISTRICT COURT  
16  
17 EASTERN DISTRICT OF CALIFORNIA

18 UNITED STATES OF AMERICA,

19 Plaintiff,

20 v.

21 EDISON SMALL,

22 Defendant.

23 CASE NO. 2:22-CR-00218 DJC

24 STIPULATION REGARDING EXCLUDABLE  
25 TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER

26  
27  
28 **STIPULATION**

29 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
30 through defendant's counsel of record, hereby stipulate as follows:

31 1. By previous order, this matter was set for status on April 24, 2023. Time was excluded  
32 under Local Code T4 until April 24, 2023.

33 2. On April 6, 2023, Chief Judge Mueller vacated that date and reassigned the case to Judge  
34 Calabretta.

35 3. By this stipulation, defendant now moves to set a status conference for May 18, 2023, at  
36 9:00 a.m., and to exclude time between April 24, 2023, and May 18, 2023, under Local Code T4.

37 4. The parties agree and stipulate, and request that the Court find the following:

38 a) The government has represented that the discovery associated with this case  
39 includes over 25,000 items including multiple surveillance videos, phone records, and reports.

1 All of this discovery has been either produced directly to counsel.

2 b) Counsel for defendant desires additional time to review discovery and review a  
3 plea offer with his client.

4 c) Counsel for defendant believes that failure to grant the above-requested  
5 continuance would deny him/her the reasonable time necessary for effective preparation, taking  
6 into account the exercise of due diligence.

7 d) The government does not object to the continuance.

8 e) Based on the above-stated findings, the ends of justice served by continuing the  
9 case as requested outweigh the interest of the public and the defendant in a trial within the  
10 original date prescribed by the Speedy Trial Act.

11 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
12 et seq., within which trial must commence, the time period of April 24, 2023 to May 18, 2023,  
13 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]  
14 because it results from a continuance granted by the Court at defendant's request on the basis of  
15 the Court's finding that the ends of justice served by taking such action outweigh the best interest  
16 of the public and the defendant in a speedy trial.

17 5. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
18 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
19 must commence.

20 IT IS SO STIPULATED.

21  
22 Dated: April 11, 2023

PHILLIP A. TALBERT  
United States Attorney

23  
24 /s/ NICHOLAS M. FOGG  
25 NICHOLAS M. FOGG  
26 Assistant United States Attorney  
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1 Dated: April 11, 2023

2 /s/ DOUGLAS BEEVERS  
3 DOUGLAS BEEVERS  
4 Counsel for Defendant  
5 EDISON SMALL

6 **ORDER**

7 IT IS SO FOUND AND ORDERED this 12<sup>th</sup> day of April, 2023.

8 /s/ Daniel J. Calabretta  
9 THE HONORABLE DANIEL J. CALABRETTA  
10 UNITED STATES DISTRICT JUDGE